

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” Iowa Administrative Code.

This rule making reinstates the rule governing the Iowa Medicaid “lock-in” program that was inadvertently omitted from recently adopted Chapter 76.

Federal Medicaid regulations allow for “lock-in” of beneficiaries who overutilize Medicaid services, restricting the beneficiaries to obtaining services from designated providers; see 42 CFR § 431.54. Iowa Code section 249A.4(7)“a” also provides that the Department may restrict Medicaid recipients’ selection of providers to control overuse of care and services and that the Department “shall promulgate rules for determining the overuse of services, including rights of appeal by the recipient.” Consistent with the federal regulations and Iowa Code, Iowa’s state plan for medical assistance, approved by the Centers for Medicare and Medicaid Services as a condition of federal funding, provides an exception to recipients’ free choice of providers for lock-in; see Iowa State Plan for Medical Assistance, sec. 4.10(b)(1).

As of September 2013, the Department had a long-standing administrative rule at 441—76.9(249A) establishing and governing the Iowa Medicaid lock-in program. In amending its rules to comply with the federal Affordable Care Act, the Department intended to move its lock-in rule from Chapter 76 (on enrollment procedures) to Chapter 75 (on eligibility for services). However, the lock-in rule was inadvertently omitted from new Chapter 76 (see **ARC 1069C**, IAB 10/2/13, effective 10/1/13) and not included in revised Chapter 75 (see **ARC 1134C**, IAB 10/30/13, effective 10/2/13). Thus, the Notice of Intended Action (**ARC 0908C**, IAB 8/7/13) and Adopted and Filed Emergency After Notice (**ARC 1069C**, IAB 10/2/13) for new Chapter 76 made no mention of the fact that the lock-in rule was omitted.

This rule making reinstates the lock-in rule and places the rule in Chapter 75. The term “recipient” is updated to “member” throughout, and cross references are updated. No other substantive changes are made to the rule as it existed prior to October 1, 2013.

Any interested person may make written comments on the proposed amendment on or before January 28, 2014. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may also be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specified situations since the provisions are required by federal and state law.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 1266C**. The purpose of this Notice is to solicit public comment on that submission, the subject matter of which is incorporated by reference.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.